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Store nuclear waste on reservation? Tribe split

Utah leaders also join battle, seek to block shipments

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SKULL VALLEY, Utah - Leon Bear, a stocky man in T-shirt and jeans, peers across the sagebrush-pocked valley where his ancestors once chased Pony Express riders and sees the future for his dwindling tribe: Nuclear waste.

Just west of the gun-barrel straight, two-lane road that darts through the Skull Valley Goshute Reservation, Bear wants to store 4,000 steel and concrete canisters of highly radioactive used fuel from nuclear power plants.

The tribe would reap tens of millions of dollars in rent over the next 40 years.

“I’ve been shown there’s no problem. The way they plan to handle it, it’s safe,” the 46-year-old tribal leader insists, escorting a visitor around the reservation in a glistening new pickup truck.

The truck is an example of the largess the tribe already has received from a consortium of eight electric utilities that nine years ago signed a lease with the tribe to put 40,000 tons of reactor waste on the reservation.

It’s the kind of deal other tribes have rejected, that most communities would oppose, one that spells “not in my back yard” in the brightest of colors. Utah’s establishment in Salt Lake City, the capital 45 miles away, is enraged.

Racism or riches?

Critics, including some within the tribe, call it environmental racism at its rawest.

But Bear says it’s the way to riches that will mean new homes, new jobs and better health care for the 118 members of his tribe. Only about two dozen — including children — still live on the 18,000-acre reservation, but this will bring many of the others back, he predicts.

The Interior Department’s Bureau of Indian Affairs approved the lease in 1997. The deal is yet to be consummated amid a mountain of lawsuits, regulatory hurdles and bitter opposition. It’s close, though.

The Nuclear Regulatory Commission issued a license for the dump in February. It rejected arguments that its location is unsafe because hundreds of F-16 jet fighters fly over the reservation on the way to bombing runs over nearby government land. The chance of a crash that could result in the release of radiation is one in a million, an adequate risk, the NRC said.

Private Fuel Storage LLC of Wisconsin, the consortium that would build and run the dump, has begun looking for nuclear power plant owners to sign up for waste shipments.

“We have to store this stuff somewhere,” says PFS Chairman John Parkyn. The utilities “were promised this material would be collected and removed to a central location, and now we have one.”

Waiting for Yucca

If Bear and Parkyn get their way, it will mark a watershed in addressing the thorniest problem facing the nuclear industry: where to put nearly 60,000 tons of highly radioactive reactor waste now stored at power plants in 31 states, and the additional 2,000 tons being generated each year.

The government promised to take the waste beginning in 1998, but a planned federal site at Yucca Mountain in Nevada is years behind schedule. Some say it may never be built.

The PFS consortium has spent more than $20 million so far, including licensing costs and payments to the Skull Valley tribe under its 1997 lease.

But no utility has committed to send waste to Utah, and four of the companies that helped finance the project so far have said they won’t commit any more money as long as Yucca Mountain moves forward.

If Yucca Mountain encounters more hurdles and delays, utilities will turn to Skull Valley, Parkyn predicted in an interview.

$20 million spent so far

The PFS consortium has spent more than $20 million so far. Neither Bear nor PFS will say how much of that the tribe has received or will receive over the next 40 years if the deal goes through. Speculation is that it could be as much as $100 million for the tribe.

Still, it’s hard to find people in Utah who favor the dump.

“You’re batting in the 85 percent range of people who don’t want this project to go forward. As conservative as the state is, you don’t even see those kind of percentages in things like gay marriage,” says Jason Groenwold, director of the Healthy Environment Alliance of Utah, which opposes the project.

The state has tried all manner of maneuvers to stop the project, with little success so far. The legislature imposed steep taxes on anyone doing business with PFS and banned local governments from providing electricity and other services. The laws were declared unconstitutional by a federal court.

Utah’s senators have lobbied the Bush administration. So far, administration officials have said only that they remain committed to opening Yucca Mountain — 350 miles south of Skull Valley — and that the PFS project is not part of the government’s nuclear waste plan.

Dump opponents do have one significant victory. Rep. Rob Bishop, R-Utah, got Congress to create a 100,000-acre wilderness near the Goshute reservation with a finger of protected land crossing — and essentially blocking — a proposed right of way for a rail spur to bring the waste to the dump. Parkyn says he'll just bring the waste the last 26 miles by truck.

Small tribe, strong feelings

Once, more than 20,000 Goshutes roamed across Utah and Nevada. Now there are only about 500, including the 118 belonging to the Skull Valley Band, according to Bear.

Fewer than two dozen, including children, still live in the cluster of homes and trailers a few hundreds yards off the single highway that cuts through the reservation. Most of the households are below the national poverty level.

At the tribe's only commercial building, the "Pony Express Store" and gas station, the sign is missing several letters and the clerk talks on the phone with little suggestion any customers will be arriving soon.

Some of the economic benefits from the proposed dump are already visible. Amid the old, dilapidated houses are a half-dozen new modular homes — some still waiting to be put on foundations — thanks to money from PFS. Bear lives in one, another belongs to his brother and a third to the vice chair of the tribe's executive council, also a strong supporter of the waste dump.

Two of Bear's neighbors and sharpest critics — Margene Bullcreek and Sammie Blackbear — have not been offered new homes, says an attorney representing Bullcreek. Blackbear lives in a small trailer just across the road from the new homes.

"It's entirely environmental racism," says Bullcreek, a 59-year-old grandmother. "You have large corporations wanting to put the nuclear waste that nobody wants in their back yards on our land."

Bear maintains that the tribe approved the waste project in 1996, before the BIA approved it in March 1997 in a decision that itself has been questioned by dump opponents. A local BIA superintendent, David Allison, approved the lease only three days after receiving the final document.

Allison, now retired, defends his decision and says there were months of discussions as the lease was being developed. "Unquestionably it's to the benefit of the tribe," he said in a telephone interview.

He acknowledged the issue is "a very political hot potato" and added, "I've even been threatened over this thing."

Leadership battle

Anger over the waste dump has spilled over to a bitter dispute over tribal leadership. Bear's chairmanship expired in 2004, but Bullcreek says he has skirted new elections by repeatedly claiming the lack of a quorum before everyone has arrived at meetings.

A lawsuit challenging Bear's leadership and the BIA lease approval was dismissed by a federal court in Salt Lake City.

Three years ago, Blackbear and two other nuclear dump opponents assumed leadership of the tribal council and began using its funds. The BIA never recognized them and they were arrested for theft and received probation.

Last year Bear faced embezzlement charges and agreed to return $31,500 to the tribe. He also pleaded guilty to one count of tax evasion. "We don't believe the (tribal) chairmanship is a job," he said, explaining why he didn't pay taxes on his income as tribal leader. "Apparently the feds don't feel that way."

Steel canisters, chemical neighbors

The radioactive spent fuel rods are now kept in pools of water or in concrete containers at power plants. At Skull Valley, they will be kept in steel canisters inside concrete enclosures resting atop a concrete slab.

A private security force will be at the site with double fences cordoning off the inner 100 acres where the waste will be kept. PFC officials say the facility will comply fully with NRC security requirements.

Toole County, Utah, which surrounds the reservation, is anything but pristine.

A few miles to the east over the Stansbury Mountain range, the government is storing and burning nerve gas and other chemical agents. To the south is the Dugway Proving Ground, where the government uses chemical and biological agents in tests. Toward the northwest are private landfills holding hazardous, toxic and low-level radioactive waste. And not far away on the Great Salt Lake is a magnesium plant once ranked by the Environmental Protection Agency as the nation's No. 1 toxic polluter.

Skull Valley itself has long been viewed as a bit foreboding. In the late 19th century, the state located its only leper colony there.

Bullcreek, nonetheless, argues that becoming the country's storehouse for nuclear waste — "This poison," she calls it — is contrary to Goshute tradition. "It will destroy the harmony we have, the tranquility that we have in our valley."

Bear scoffs at the dissent.

"We've got to live today," he says. "We can't go back and live like the old days. You can't feed your children, you can't feed your family that way."

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